

ARTICLE IX. FIREWORKS

DIVISION 1. GENERALLY

Sec. 9-147. Scope.

This article shall provide requirements for:

(a) The construction, handling, and use of fireworks and equipment intended for outdoor fireworks display. It also shall apply to the general conduct and operation of the display.

(b) The protection of property, operators, performers, support personnel, and the viewing audiences for outdoor fireworks displays; and where pyrotechnic effects are used indoors and outdoors with a proximate audience.

Sec. 9-148. Purpose.

The purpose of this article shall be to provide minimum requirements for the reasonable and safe conduct of outdoor fireworks displays and the use of pyrotechnic effects used indoors and outdoors.

Sec. 9-149. Definitions.

The definitions contained in this section apply throughout this article and are in addition to any document referred to therein. The definitions are intended to be read in place of any definitions of the same words contained in the publication adopted in Section 9-161.

Fireworks means and includes any combustible or explosive composition; or any substance or combination of substances; or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration, or detonation; and shall include blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in which explosives are used, the type of unmanned balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, Roman candles, Daygo bombs, sparklers, or other fireworks of like construction; and any fireworks containing any explosive or flammable compound, or any tablets or other device containing any explosive substance, except that the term “fireworks” shall not include model rockets and model rocket engines, designed, sold, and used for the purpose of propelling recoverable aero models, and shall not include toy pistols, toy canes, toy guns, or other devices in which paper or plastic caps manufactured in accordance with the United States Department of Transportation regulations for packing and shipping of toy paper or plastic caps are used; and toy paper or plastic caps manufactured (as provided therein), the sale and use of which shall be permitted at all times. Each package containing toy paper or plastic caps offered for retail sale shall be labeled to indicate the maximum explosive content per cap.

Fireworks display means a presentation of fireworks for a public or private gathering.

Proximate Audience means an audience closer to pyrotechnic devices than permitted by NFPA 1123, *Code for Fireworks Display*, as amended per Section 9-163 of this Article.

Pyrotechnics means controlled exothermic chemical reactions that are timed to create the effects of heat, gas, sound, dispersion of aerosols, emission of visible electromagnetic radiation, or a combination of these effects to provide the maximum effect from the least volume.

Operator means the person with overall responsibility for the operation and safety of a fireworks display.

Secs. 9-150 – 9-152. Reserved.

DIVISION 2. ADMINISTRATION AND ENFORCEMENT

Sec. 9-153. Manufacture.

It shall be unlawful to manufacture fireworks within the City of Rockville.

Sec. 9-154. Possession or use.

(a) Except as hereinafter provided, it shall be unlawful for any person to possess, store, to offer for sale, expose for sale, sell; or use, burn, or explode any fireworks; provided, however, the possession, sale, or discharge of fireworks are permitted when such activities are approved by the City Fire Marshal and conducted under a permit issued by the State Fire Marshal.

(b) Nothing in this Article shall be construed to prohibit the use of fireworks by railroads or other transportation agencies for signal purposes or illumination, or the sale of blank cartridges for a show or theatre, or for signal of ceremonial purposes in athletic or sports, or for the use by military organizations.

Sec. 9-155. Storage of fireworks.

No person shall keep or store fireworks in the City of Rockville for a period in excess of eight (8) hours unless:

(a) such person possesses a valid permit from the State Fire Marshal's Office for a display within the City of Rockville and such storage site has been approved by the City Fire Marshal; or

(b) such person possesses a valid permit from the City of Rockville Inspection Services Division for such storage.

(c) the fireworks are stored in a police station or fire station serving as a designated drop-off and collection point for fireworks.

Sec. 9-156. Permit.

(a) Permits shall be required for the following:

- (1) Fireworks displays; and
- (2) Pyrotechnics before a proximate audience.

(b) Application for a permit shall be made on suitable forms provided by Maryland Office of the State Fire Marshal.

(c) All applications for permit for display shall be presented to the City of Rockville Inspection Services Division at least twenty (20) business days before the fireworks display is to be held.

(d) No application approval shall be issued until plans and specifications showing the proposed location and materials, in necessary detail, have been submitted to the City Fire Marshal; and it has been determined from examination of such plans and specifications that they give assurance that the event will be conformed to the provisions of this article. If a permit application is denied, the applicant may submit revised plans and specifications.

(e) All fees due shall be paid prior to the City Fire Marshal providing approval for the display site on the State Fire Marshal's application for the fireworks display.

(f) The requirements of COMAR 29.06.01.09 (B) (2) and (3), and Rockville City Code, Chapter 9 Article IV shall be applicable, and the City of Rockville shall be named as an additional insured.

(g) Each show shall have a licensed operator (listed on the permit application) present for the duration of the setup, execution, and clean up of the fireworks display.

Sec. 9-157. Licensing.

(a) Every operator for a fireworks display shall have in his/her possession a valid Fireworks Shooter's Permit issued by the State Fire Marshal's Office.

Sec. 9-158. Penalties.

(a) Any person in violation of Sections 9-153, 9-154, or 9-155 of this Article shall be guilty of a misdemeanor.

(b) Any person in violation of any portion of this Article, except as provided for in (a) of this Section, shall be guilty of a municipal infraction.

Secs. 9-159 – 9-160. Reserved.

DIVISION 3. TECHNICAL STANDARDS

Sec. 9-161. Adopted.

The NFPA 1123, Code for Fireworks Display, 2010 Edition, and NFPA 1126, Standard for the Use of Pyrotechnics before a Proximate Audience, 2011 Edition, as issued by the National Fire Protection Association, are hereby adopted by reference, except as amended by Section 9-162 and Section 9-163 of this Chapter. One (1) copy of such publication, as adopted, shall be maintained by the Inspection Services Division in the City of Rockville City Hall and made available for inspection by the public during regular office hours. Any amendment or change in such code promulgated by the NFPA shall not become part of this article until the modifications have been duly adopted by ordinance.

Sec. 9-162. Same-Amendments, NFPA 1123.

Chapter 1 of the NFPA 1123, Code for Fireworks Display, 2010 Edition, is amended by adding Section 1.5 to read as follows:

1.5 Notification

1.5.1 Public Notification. Public notification of the fireworks display shall be made by advertisement in the Rockville Gazette and by advertisement in another local newspaper by permitted sign posted in a publicly visible location or by other means deemed appropriate by the City Fire Marshal.

1.5.1.1 Newspaper advertisements shall commence at least ten (10) working days prior to the display being held. Proof of purchase of the advertisement showing the language and duration of the advertisement shall be provided to the City Fire Marshal.

1.5.1.2 Signs posted for notification purposes shall be erected at least ten (10) working days prior to the display being held. Photographic proof of the sign placement and a sketch showing the sign location shall be provided to the City Fire Marshal.

1.5.1.3 Information contained in advertisement or on the sign shall indicate the following:

- (a) date, time, and location of the fireworks display;
- (b) name of the sponsoring organization/person;
- (c) rain date, if any for the display.

1.5.2 Emergency Forces Notification. The City Fire Marshal shall make notification of the fireworks display to the local and county fire and police departments, and the emergency communications centers at least twenty-four (24) hours in advance, and the day of the fireworks display.

1.5.2.1 Information provided in the notification shall indicate the following:

- (a) date, time, and location of the fireworks display;
- (b) name of the sponsoring organization/person;
- (c) name of the licensed fireworks shooter;
- (d) rain date, if any, for the display; and
- (e) a copy of the fireworks permit issued by the Office of the State Fire Marshal, if requested.

Paragraph 5.1.3.1 of the NFPA 1123, Code for Fireworks Display, 2010 Edition, is amended to read as follows:

5.1.3.1 For aerial shells, the minimum required radius of the display site shall be 100 ft. per in. (30.48/25mm) of the internal mortar diameter of the largest aerial shell to be fired, as shown in Table 5.1.3.1.

Table 5.1.3.1 of the NFPA 1123, Code for Fireworks Display, 2010 Edition, is deleted and replaced with the following table:

Mortar Size ^a		Minimum Secured Diameter of Site ^b		Vertical Mortars ^c		Angled Mortars 1/3 Offset ^d		Mortars to Special Hazards ^e	
		ft	m	ft	m	ft	m	ft	m
<=1	25	200	61	100	31	100	31	200	61
1.5	38	300	92	150	46	150	46	300	92
2	50	400	122	200	61	200	61	400	122
2.5	63	500	153	250	77	250	77	500	153
3	76	600	183	300	92	300	92	600	183
4	102	800	244	400	122	400	122	800	244
5	127	1000	305	500	153	500	153	1000	305
6	152	1200	366	600	183	600	183	1200	366
7	178	1400	427	700	214	700	214	1400	427
8	203	1600	488	800	244	800	244	1600	488
10	254	2000	610	1000	305	1000	305	2000	610
12	305	2400	732	1200	366	1200	366	2400	732

Note: >12 in. (>305 mm) requires the approval of the AHJ.

^a See 4.1.1.

^b See 5.1.3.

^c See 5.2.1.3.

^d See 5.2.1.3. Note that for angled mortars, the minimum secured diameter of the display site does not change. Only the location of the mortars within the secured area changes when mortars are angled.

^e See 5.1.4. Note that this is only the distance to the special hazards. The minimum secured diameter of the display site does not change.

Paragraph 5.1.3.1 of the NFPA 1123, Code for Fireworks Display, 2010 Edition, is amended by adding Subparagraph 5.1.3.1.1 to read as follows:

5.1.3.1.1 At the discretion of the AHJ, the minimum required radius of the display site may be reduced to 70 ft. per in. (30.48/25mm) of the internal mortar diameter of the largest aerial shell to be fired.

Sec. 9-163. Same-Amendments, NFPA 1126. (No Amendments)

Secs. 9-164 – 9-166. Reserved.

The effective date of this ordinance is January 1, 2013. All permit applications submitted on or after that date shall comply with this ordinance.

I hereby certify that the foregoing is a true and correct copy of an ordinance adopted by the Mayor and Council at its meeting of November 19, 2012.